United Nations A/HRC/37/66

General Assembly

Distr.: General
16 January 2018

Original: English

Human Rights Council
Thirty-seventh session
26 February–23 March 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on minority issues

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on minority issues, Fernand de Varennes, prepared pursuant to Human Rights Council resolution 34/6, which extended the mandate under the same terms as provided for in resolution 25/5.

The report is the first one submitted to the Council by Mr. de Varennes in his capacity as Special Rapporteur. It provides a summary of the activities undertaken by the mandate holder since he assumed his functions on 1 August 2017 and outlines his main priorities and vision for the mandate. The report also contains a review of the activities of the previous mandate holder, Rita Izsák-Ndiaye, from January to July 2017.

In the report, the Special Rapporteur gives an update on the work of the tenth Forum on Minority Issues, held on 30 November and 1 December 2017, entitled "Minority youth: towards inclusive and diverse societies". He highlights the crucial role that minority youth play in advocating for and protecting the rights of minorities, particularly through the use of digital media and various social media platforms. He underscores the importance of including minority youth in decision-making processes, which transform them into active agents of change in their respective contexts.

GE.18-00676(E)

1800676

Please recycle

Report of the Special Rapporteur on minority issues

Contents

		Page
I.	Introduction	3
II.	Activities of the previous Special Rapporteur (January–July 2017)	3
III.	Activities of the Special Rapporteur (August–December 2017)	4
IV.	Priorities and vision for the mandate	7
	A. Statelessness and the human rights of minorities	8
	B. Ethnic conflicts, minority rights and promoting inclusiveness and stability	9
	C. Tackling hate speech, xenophobic rhetoric and incitement to hatred against minorities	10
	D. Education as a human right and its contours and impact for minorities	10
V.	Communications sent to governments in 2017	11
VI.	Research on the second cycle of the universal periodic review process	11
VII.	Language rights of linguistic minorities: a practical guide for implementation	12
VIII.	Update on the 2017 Forum on Minority Issues	13
IX.	Conclusions	15

I. Introduction

1. The mandate of the Special Rapporteur on minority issues was established by the Commission on Human Rights in its resolution 2005/79 of 21 April 2005. It was subsequently extended by the Human Rights Council in successive resolutions, the most recent being resolution 34/6 which extended the mandate under the same terms as provided for in resolution 25/5.

2. The Special Rapporteur, Fernand de Varennes of Canada, was appointed by the Council on 26 June 2017 and assumed his functions on 1 August 2017. His term in office may be renewed for two three-year periods.

3. The Special Rapporteur is honoured to be entrusted with the mandate and thanks the Council for its trust in him. He also wishes to thank the Office of the United Nations High Commissioner for Human Rights (OHCHR) for its support in the implementation of the mandate.

4. The present report is the first one submitted by the Special Rapporteur to the Human Rights Council. In it, he outlines his main priorities and vision for the mandate, which include promoting the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (the Declaration on the Rights of Minorities) through consultations with governments and other stakeholders. To that end, he will take into account existing international standards and national legislation concerning minorities and will identify best practices by States and possibilities for technical cooperation with OHCHR.

5. The report contains eight substantive sections. Section II provides an overview of the activities of the previous Special Rapporteur from January to July 2017; section III covers the activities of the current Special Rapporteur from August to December 2017; section IV sets out the priorities and vision that will guide his mandate; section V summarizes the communication activities of the mandate in 2017; section VI presents the results of the research on minority issues in the second cycle of the universal periodic review; section VII details the aims of the new practical guide for the implementation of the language rights of linguistic minorities; and section VIII provides an update of the tenth Forum on Minority Issues, held on 30 November and 1 December 2017. The final section of the report contains conclusions and insights on the Special Rapporteur's mandate.

6. The Special Rapporteur would like to thank his predecessor, Rita Izsák-Ndiaye — whose second three-year term ended on 31 July 2017 — for promoting and advocating for the rights of minorities over the past six years. She has contributed greatly to the effective implementation of the Declaration on the Rights of Minorities and to fostering a better understanding of several crucial areas affecting the rights of minorities. Through a wide consultative process, focusing primarily on increasing ownership of their rights by minorities themselves, she has enhanced their visibility and increased the engagement of the international community and the United Nations, in particular, in tackling the challenges they face. Those efforts were consolidated through eight country visits, which helped to shed light on a number of critical issues faced by minorities in different contexts.

II. Activities of the previous Special Rapporteur (January–July 2017)

7. On 28 February 2017, the previous Special Rapporteur on minority issues, Rita Izsák-Ndiaye, delivered a statement in the context of a side event to mark the twenty-fifth anniversary of the Declaration on the Rights of Minorities. The event was co-hosted by Minority Rights Group International and the Permanent Mission of Austria to the United Nations Office and specialized institutions in Geneva and focused on the importance of a minority rights approach in combating radicalization and violent extremism. Participants in the event also explored ways in which minority inclusion and participation in all aspects of public life could be an effective approach in combating violence and hate speech.

8. On 16 March 2017, the previous Special Rapporteur participated as a panellist in a side event entitled "Minorities and caste-based discrimination". The event was inspired by her report to the Human Rights Council,[1] in which she considered caste discrimination in a global context.

9. On 17 March 2017, during the thirty-fourth session of the Human Rights Council, the previous Special Rapporteur moderated a side event organized by OHCHR and the mandate. The handbook, *Language Rights of Linguistic Minorities: A Practical Guide for Implementation* (2017),[2] was launched at that event.

10. Also in March 2017, the previous Special Rapporteur attended the launch of the publication, *Guidance Tool on Descent-Based Discrimination: Key Challenges and Strategic Approaches to Combat Caste-Based and Analogous Forms of Discrimination* (2017),[3] in Nepal. The event was organized by OHCHR and focused on strengthening the capacity of the United Nations country team in Nepal to promote anti-discrimination.

11. On 7 July 2017, the previous Special Rapporteur participated in an intersessional seminar on cultural rights and the protection of cultural heritage. The event was organized by OHCHR, with the aim of engaging with a number of stakeholders on the means to prevent and contain the detrimental impact of the damage to and destruction of cultural heritage on the enjoyment of human rights. Participants included representatives of member States, United Nations agencies, civil society organizations, national human rights institutions and cultural rights defenders.

III. Activities of the Special Rapporteur (August–December 2017)

12. As of September 2017, the Special Rapporteur started a thorough consultation process with a number of stakeholders, including governments, non-governmental organizations (NGOs), national human rights institutions and representatives of various minorities, with a view to strengthening existing working relationships and exploring new means for engagement with the mandate.

13. In his consultations, the Special Rapporteur highlighted the fact that, in many countries, minorities were among the world's most vulnerable segments of society and were currently confronted with an increasing number of human rights challenges and threats, ranging from discrimination linked to their languages, religion or ethnicity to violence and hate speech. He stressed that these challenges required concerted, collective and determined action by all concerned. He underscored the need to further understand the human rights issues surrounding the marginalization and vulnerability of minorities and for collaborative and timely responses to mitigate the threats that they faced. This was particularly true in the case of minority women who may find themselves doubly marginalized because of their gender and for being a member of a linguistic, religious or ethnic minority.

14. The Special Rapporteur understands the need to redress existing injustices facing minorities — such as long-standing and systemic discriminatory practices — and at the same time deal with emerging crises that are engulfing minorities. He initiated wide-ranging consultation with various members of minority communities to ensure that their views, expectations and grievances were not only integrated into the priorities of the mandate, but would also be addressed at the relevant national, regional and international levels. The Special Rapporteur will ensure that exchanges with minority groups are continuous. He will also ensure the inclusion of a strong gender dimension in his work, as provided for in the resolution establishing the mandate and subsequent resolutions.

---

[1] A/HRC/31/56.

[2] See www.ohchr.org/Documents/Issues/Minorities/SR/LanguageRightsLinguisticMinorities_EN.pdf. The handbook was prepared by the Special Rapporteur.

[3] See www.ohchr.org/Documents/Issues/Minorities/GuidanceToolDiscrimination.pdf. The guidance tool was prepared by the United Nations Network on Racial Discrimination and Protection of Minorities.

15. The Special Rapporteur wishes to thank the States that had accepted visits by previous mandate holders for their good offices and cooperation, and encourages other States, including those to which requests for visits have been made, to engage positively with the mandate. Country visits have helped in addressing fundamental issues pertaining to minorities and in creating effective communication channels to bring together the means to improve technical cooperation and respond to the need to capitalize on existing and evolving positive practices. In addition to country visits, the Special Rapporteur will ensure continuous and consistent exchanges with member States on all matters relevant to the mandate.

16. The Special Rapporteur will focus on consultations with regional mechanisms, including the European Union, the Organization of Islamic Cooperation, the International Organization of la Francophonie, the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities, the Association of Southeast Asian Nations (ASEAN) Intergovernmental Commission on Human Rights, the Organization for Security and Cooperation in Europe (OSCE) and its High Commissioner on National Minorities, the African Commission on Human and Peoples' Rights and the Inter-American Commission on Human Rights. Those consultations will help to develop focused and constructive discussions on cross-cutting regional issues affecting minorities, particularly as an increasing number of conflicts seem to be affecting minorities beyond national borders. The Special Rapporteur considers that regional cooperation has become increasingly important for the protection and promotion of the rights of minorities.

17. The Special Rapporteur will also focus some of his activities on advocacy and raising the profile of minorities in relation to a number of existing and emerging issues. In particular, he will seek to raise awareness about those issues through media interactions and to raise the visibility of the mandate through the use of available social media tools and allowing easier access to those tools by members of minorities. Particular emphasis will be given to the role of youth in using digital media to promote the rights of minorities in their respective contexts.

18. The mandate actively seeks to expose cases of violations of the rights of minorities. For this purpose, the Special Rapporteur has initiated a monthly tracking system to better follow-up on communications sent to governments, including letters of allegations and urgent appeals. The Special Rapporteur will also address all information received from civil society organizations, NGOs and members of minorities with regard to reported violations of the rights of minorities. He will make it a priority to engage with all stakeholders in that respect, in particular member States — the main duty bearers — to address urgent cases and other issues relating to long-standing discriminatory practices affecting minorities and violations of their rights.

19. Following up on the work of his predecessor who had carried out a comprehensive study of the human rights situation of Roma worldwide,[4] on 21 and 22 September 2017, the Special Rapporteur convened a workshop on the situation of Roma in the Americas, in Buenos Aires. He would like to take the opportunity herewith to thank the authorities in Argentina for agreeing to host the workshop.

20. The workshop provided a platform for Roma communities from Argentina, Brazil, Chile, Colombia and Peru to interact with each other, with officials from their respective countries and with representatives from regional human rights mechanisms, including OSCE and the Inter-American Commission on Human Rights. Roma communities shared their experiences and discussed policies put in place by the respective countries with the aim of empowering Roma communities and addressing access to adequate housing, health care and education. Representatives of Roma communities noted that, in the Americas, there was little public recognition or acceptance of Roma as a distinct minority. Roma remained largely socially and economically marginalized and few official policies or programmes existed in the region to promote and protect Roma rights. State representatives referred to the itinerant lifestyles of Roma as the key obstacle in terms of their access to social services. However, discrimination as well as lack of formal documentation were the

[4] A/HRC/29/24.

key challenges in terms of access to education and health services. Roma communities in the region also continued to face challenges in accessing adequate housing. Roma who continued to maintain a travelling lifestyle had difficulties in finding adequate sites to set up camp, which could lead to discrimination by the authorities and eviction from camps. Furthermore, the inability to maintain cultural patterns of travelling was having a profoundly negative impact on Roma social and cultural patterns and means of subsistence across the region. For the large proportion of Roma communities in the Americas who no longer travelled, families often lived in situations of extreme poverty, lacking electricity, potable water and adequate sanitation.

21. The workshop addressed ways in which Roma communities could access regional and international human rights protection mechanisms to ensure systematic and continued engagement with the mandate of the Special Rapporteur on minority issues, as well as with other thematic mandates and the Inter-American Commission on Human Rights.

22. In his concluding remarks to the workshop, the Special Rapporteur encouraged the adoption of strategies and laws at the national level to eradicate discriminatory practices against Roma individuals and communities and to ensure that they had adequate access to health care, social services, employment and education. He also encouraged the promotion of communication amongst Roma rights organizations in other countries in the region and beyond, in order to enhance cooperation and synergies.

23. The participants in the workshop agreed to a number of action points and measures to promote and protect the rights of members of Roma communities in the Americas. Some of the action points submitted to the Special Rapporteur by the participants were as follows:

(a) Promotion of the implementation of International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and recognition of Roma as an ethnic group;

(b) The importance of regular visits by the Special Rapporteur to countries where Roma communities are present and face challenges;

(c) The need to continue advocating for public policies aimed at improving the living conditions of Roma in the Americas and the rest of the world;

(d) Articulation of plans with the Pan American Health Organization (PAHO)/World Health Organization (WHO) in order to ensure the inclusion of Roma in national health systems;

(e) Promotion of public policies on the full enjoyment of the right to adequate housing;

(f) The need to devise strategies to strengthen the participation of members of Roma communities in all areas affecting them, including through civil society organizations working specifically on the protection and promotion of their rights.

24. On 5 October 2017, the Special Rapporteur addressed the biannual meeting of the Association des ombudsmans et médiateurs de la francophonie, in Fredericton, Canada, with a presentation entitled "Minorités, droits linguistiques et droits humains: enjeux pour les Nations Unies et la Francophonie". He described the close links between the human rights of minorities and linguistic rights and emphasized the close relationship between prohibition of discrimination in education and access to services such as health care, and how this could lead to obligations, based on human rights standards, to use or provide services in indigenous languages in certain contexts.

25. On 24 October 2017, the Special Rapporteur participated as a speaker in a side event to the seventy-second session of the General Assembly, in New York. The event was co-hosted by the Permanent Mission of Austria, the Permanent Mission of the Republic of Slovenia and the Permanent Mission of Canada to the United Nations in New York, Minority Rights Group International and the Office of the United Nations High Commissioner for Refugees (UNHCR), to commemorate the twenty-fifth anniversary of the Declaration on the Rights of Minorities. The event underscored the urgency of the effective implementation of the Declaration and the protection of the rights of minorities worldwide, especially in the current context of heightened global challenges such as conflicts,

humanitarian crises, rising populism and hate speech, discrimination and rising ethno-nationalism. It also underscored an increasing trend whereby some minorities continued to be targeted as scapegoats for political, economic and social problems. Under those circumstances, the protection of the rights of minorities was often perceived as a threat to national unity and/or security. Minorities face discrimination, abuse and violence that can lead to extreme forms of identity-based violence, including genocide. The event stressed that upholding the human rights of minorities was key to conflict prevention, peacebuilding, social stability and cohesion. Specific reference was made to statelessness and the denial of citizenship rights to members of minorities, particularly in the context of conflict and migration, and the need to address the root causes and conditions that were contributing factors to statelessness. The event also stressed the need for States to take all appropriate measures to ensure the effective participation of minorities in all aspects of life and to develop inclusive frameworks and spaces for civil society organizations working for and with minorities. The participants in the commemorative event highlighted the need for minority issues to be included in the 2030 Agenda for Sustainable Development and to track the progress made by member States in that area so as to make sure that the central pledge, "leaving no one behind", was fulfilled.

26. On 25 October 2017, the Special Rapporteur on minority issues addressed the General Assembly for the first time in that capacity. He reflected on the vulnerability and marginalization of many minority groups around the world and presented his overall vision and priorities for the mandate for the next three years, noting in particular the critical and, at times, overlooked dimension that the rights of minorities are the human rights of some of the world's most vulnerable. A number of additional aspects were also explored, namely, the need to clarify the scope and meaning of the term "minority", the urgency for States to effectively renew their commitment to the Declaration on the Rights of Minorities in the light of its twenty-fifth anniversary, and ways in which economic benefits can accrue from the protection of the rights of minorities. He stressed that those areas could advance thinking and deepen understanding that could help to overcome the difficulties and uncertainties that challenged the effective protection of the human rights of minorities.

27. On 3 November 2017, the Special Rapporteur participated as a guest speaker in a round table on ancestral languages, identity and revitalization during the international conference, "Lost and Found in Transcultural and Interlinguistic Translation" at Université de Moncton, Canada. He gave an overview of the rights of minorities emanating from human rights treaties and the application of international law in areas such as culture and language of indigenous peoples in countries where they constitute a minority.

28. On 1 December 2017, the Special Rapporteur met with the 2017 Minority Fellows in Geneva. Among the issues discussed was the possibility of establishing a minority fellows "alumni" group which would enable the mandate to have access to the knowledge and experience of former minority fellows through their various activities.

29. On 4 December 2017, the Special Rapporteur contributed to the final drafting of the Human Rights and Election Standards Plan of Action, a joint initiative on human rights and election standards of OHCHR and the Carter Centre in Atlanta, United States of America. The aim of the initiative is to reflect on the elements of a human rights-based approach to elections and to advance strategies for collaboration between human rights experts and electoral practitioners at the national, regional and international levels. The Special Rapporteur's contribution related to areas in which issues could affect the effective participation of minorities in electoral processes.

30. On 9 December 2017, the Special Rapporteur attended a conference organized by the Latvian Human Rights Committee, in Riga, Latvia, to celebrate the twenty-fifth anniversary of the Declaration on the Rights of Minorities. He gave a presentation on the mandate and possible ways forward for the protection and promotion of the rights of minorities.

IV. Priorities and vision for the mandate

31. In his first speech to the General Assembly in October 2017, the Special Rapporteur emphasized his concern about the lack of clarity and the recurrent misunderstandings relating to several fundamental issues surrounding the rights of minorities. He indicated that ambiguities and uncertainties as to the status of minorities, in some cases, may impact negatively on the implementation of the Declaration and other human rights instruments affecting them. Accordingly, in order to effectively implement the thematic priorities of the mandate, the Special Rapporteur will explore the following:

(a) The scope and meaning of the term "minority" as contained in the Declaration on the Rights of Minorities and article 27 of the International Covenant on Civil and Political Rights;

(b) Renewing the commitments made by States in the light of the twenty-fifth anniversary of the Declaration on the Rights of Minorities, and improving the reach and effectiveness of the Forum on Minority Issues, especially as it celebrates its tenth anniversary;

(c) The economic benefits and advantages of protecting the rights of minorities.

32. In conformity with Human Rights Council resolution 25/5, in which the Council requested the mandate holder to apply a gender perspective in his or her work, the Special Rapporteur will continue to place a high priority on minority women, as did his predecessors. He will continue to address the challenges that minority women face, particularly in relation to marginalization, statelessness, denial of citizenship and the right to education, where they may find themselves doubly impacted because of their gender and minority status.

33. The Special Rapporteur will also build on the groundbreaking work carried out by his predecessors on the importance of addressing discrimination, exclusion and other violations of human rights involving caste-based and analogous systems of inherited status, particularly affecting the Dalit, Burakumin and other particularly vulnerable minorities such as Roma. He will also address issues pertaining to deaf and hearing impaired persons as members of linguistic minorities. During his country visits, the Special Rapporteur will reinforce the practice of holding consultations with members of those marginalized groups and communities so as to better address their needs.

34. The Special Rapporteur intends to collaborate more closely and share insights, information and experience with other United Nations agencies and human rights mechanisms closely connected to or relevant to the rights of minorities, including UNHCR and the Committee on the Elimination of Racial Discrimination.

35. As announced in his speech to the General Assembly in October 2017, the Special Rapporteur's four thematic priorities will focus on addressing issues involving statelessness and the denial of the rights of minorities in citizenship matters; the interrelationship between conflicts; minority rights and the promotion of inclusiveness and stability, which are central to the implementation of the Declaration on the Rights of Minorities; the critical challenges of tackling hate speech, xenophobic rhetoric and incitement to hatred against minorities; and the sometimes misunderstood human rights dimensions of education and the rights of minorities.

A. Statelessness and the human rights of minorities

36. In her 2008 annual report to the Human Rights Council, the independent expert on minority issues addressed in detail a number of thematic issues relating to the discriminatory denial or deprivation of citizenship as a tool for exclusion of national, ethnic, religious and linguistic minorities. In that regard, she stated as follows:

> Minorities often face discrimination and exclusion, and they struggle to gain access to their human rights, even under conditions of full and unquestioned citizenship. Denying or stripping them of citizenship can be an effective method of

compounding their vulnerability, and can even lead to mass expulsion. Once denied or deprived of citizenship, minorities are inevitably denied protection of their basic rights and freedoms, including minority rights as established in the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.[5]

37. Stateless minorities are often doubly vulnerable. The discriminatory denial or removal of citizenship may have long-lasting and extreme consequences for the enjoyment of other rights and/or to access various services. In addition, women belonging to minorities may be further marginalized by gender-based discrimination in relation to the acquisition, change or retention of nationality and the conferral of nationality on their children.

38. Until recently, it was neither widely known nor appreciated that minorities were disproportionally impacted by practices relating to the denial of citizenship and statelessness. In a recent report, UNHCR stated that more than 75 per cent of the world's known stateless populations were minorities.[6] Minorities, therefore, make up most of the world's stateless population. As other reports have also noted, the disproportionate vulnerability of minorities to statelessness — as a result of state policies and legislation — "can leave them excluded from state structures, without the right to vote or access basic services such as healthcare or education. In extreme cases, statelessness may leave them vulnerable to violence and mass displacement."[7]

39. Ten years after the groundbreaking report of the first mandate holder, the Special Rapporteur would like to revisit this essential aspect as it continues to affect a large number of minorities. In line with his mandate of promoting the implementation of the Declaration on the Rights of Minorities and identifying best practices by States and possibilities for technical cooperation with OHCHR, the Special Rapporteur will explore the possibility of conducting extensive work in consultation with United Nations agencies, regional intergovernmental organizations and NGOs. During the course of 2018, he will look into the possibility of conducting a regional consultation on good practices and specific approaches to tackling the absence or denial of citizenship which disproportionately affects minorities. That initiative would be extremely important at this time as it is increasingly evident that the marginalization and disenfranchisement of minority groups is linked to underdevelopment and unrest, with potential significant consequences for both national and regional security in some areas of the world.

40. Accordingly, the Special Rapporteur will prepare a thematic report, building upon the significant efforts of various stakeholders, including UNHCR #IBelong Campaign to end statelessness by 2024,[8] which primarily aims to achieve equal access to nationality rights for minorities. Particular attention will be given to actions 1, 2, 4, 7 and 8 of the Global Action Plan to End Statelessness. Those are respectively: facilitating the naturalization or confirmation of nationality for stateless minorities resident in a State; allowing minority children to obtain the nationality of the country in which they were born if they would otherwise be stateless; eliminating discriminatory laws and practices that deny or deprive minorities of nationality on discriminatory grounds; ensuring universal birth registration to prevent statelessness; eliminating procedural and practical obstacles to the issuance or recognition of citizenship and identity papers. Focus on these aspects is in line with the Special Rapporteur's mandate to examine the means of overcoming obstacles to the full and effective realization of the rights of persons belonging to minorities.

[5] See A/HRC/7/23, summary.

[6] UNHCR, *"This is our home": Stateless minorities and their search for citizenship*, 2017 Statelessness Report, p. 1.

[7] Denial and Denigration: How Racism Feeds Statelessness, Minority Rights Group International, October 2017, http://stories.minorityrights.org/statelessness/home/.

[8] See www.unhcr.org/ibelong/.

B. Ethnic conflicts, minority rights and promoting inclusiveness and stability

41. In 2010, the mandate holder at the time presented her first report[9] to the General Assembly, in which she highlighted the history of the development of minority rights and the need to address tensions between minorities and the State and among various population groups. It is noteworthy that, at the time of the General Assembly's adoption of the Declaration on the Rights of Minorities by resolution 47/135 of 18 December 1992, the representative of Austria specifically acknowledged that the implementation of the declaration would contribute to overcoming situations of tension relating to minority issues.[10]

42. The report of the first mandate holder could also be considered ground breaking as it clearly set out, for the first time, what the essential elements of a strategy to prevent conflicts involving minorities were: "respect for minority rights; dialogue between minorities and majorities within societies; and the constructive development of practices and institutional arrangements to accommodate diversity within society".[11]

43. Despite the perspicacity of her report, new conflicts involving minorities have emerged in many different parts of the world, including Cameroon, Central African Republic, Myanmar, Ukraine and Yemen. The Special Rapporteur is of the view that a positive contribution to the prevention and peaceful resolution of conflicts involving minorities can be achieved through more targeted and collaborative approaches that address the issue of discrimination in areas such as education, political participation, access to employment and public services. This thematic priority would also help to identify the means by which the Special Rapporteur can more effectively contribute to early warning efforts in situations involving systemic exclusion of and discrimination and violence against certain minorities; communicate with United Nations field presences and the peace and security bodies in New York; and improve follow-up to communications sent to States.

C. Tackling hate speech, xenophobic rhetoric and incitement to hatred against minorities

44. In her 2017 report to the Human Rights Council, the previous Special Rapporteur noted that hate speech, xenophobic rhetoric and incitement to hatred against minorities were increasing, coupled with the rise of far-right and extremist political parties worldwide. She believed that it was crucial to appoint a high-level official on minority issues within the Secretariat and to establish senior positions within United Nations departments and agencies dedicated solely to issues of minority rights protection, diversity management and safeguarding pluralistic societies.[12]

45. The Special Rapporteur shares the view of his predecessor as well as the growing concerns of international organizations and civil society groups that have noted in recent years a dramatic rise in the persecution of minorities, with a commensurate number of people of minority backgrounds fleeing their homes, and a dramatic increase in hate crimes against minorities. In that respect, he will continue to build upon previous reports and recommendations, such as those contained in the 2015 thematic discussion on hate speech and incitement to hatred against minorities in the media.[13] He will address those phenomena in consultation with other stakeholders, including regional organizations such as the OSCE High Commissioner on National Minorities, United Nations entities and civil society organizations. Regional initiatives and more action-oriented guidelines are some of the initiatives that the Special Rapporteur will be exploring with various stakeholders on this theme.

---

[9] A/65/287.

[10] See A/C.3/47/SR.47, para. 89.

[11] See A/65/287, para. 7.

[12] See A/HRC/34/53, para. 80.

[13] A/HRC/28/64.

D. Education as a human right and its contours and impact for minorities

46. Despite the importance of education as a fundamental human right that is critical to the preservation of the identity of minorities, education has never been addressed in a thematic report by this mandate.[14] Some United Nations and other agencies have addressed education from different perspectives, including in relation to language rights[15] and racial discrimination.[16]

47. Issues surrounding access to quality education without discrimination remain key challenges for many minorities and States worldwide. The Special Rapporteur considers this a main thematic priority of his mandate. He is of the view that education is not only a key component for the protection of the identity of minorities, but it is central to their effective and full inclusion in society. The existence of minorities should no longer be merely tolerated or accepted.

48. In executing the mandate and building upon the knowledge and experience of international organizations, civil society groups and other stakeholders, the Special Rapporteur hopes to further promote the implementation of the Declaration on the Rights of Minorities by clarifying the nature and extent of the human rights of minorities in the area of education, particularly as they relate to the use of a minority language as the medium of instruction. That issue figures prominently in many contexts.

V. Communications sent to governments in 2017

49. A total of 45 communications have been sent to governments since January 2017. Of those, 41 were sent jointly with other special procedure mandate holders. Of the joint communications, 20 were urgent appeals, 21 were letters of allegation. Three joint letters were also sent expressing legislation and policy concerns. One individual letter was sent during the reporting period.

50. The largest number of communications (seven) were sent to States in the Asia-Pacific region, followed by Europe and Central Asia and the Middle East and North Africa, to which five communications were sent respectively. Four communications were sent to States in the Africa region.

51. The largest number of communications (14) dealt with cases pertaining to ethnic minorities, 13 communications concerned religious minorities, 7 communications concerned religious and ethnic minorities, while 3 communications addressed linguistic minorities.

VI. Research on the second cycle of the universal periodic review process

52. Towards the end of 2016, the previous mandate holder conducted a study on the second cycle of the universal periodic review to analyse all minority-related recommendations.[17] The main findings were summarized in her final report of 24 July 2017

[14] The former Working Group on Minorities, established in 1995 and replaced by the Forum on Minority Issues in 2007, did, however, carry out work on topics such as multicultural and intercultural education.

[15] See *Language Rights of Linguistic Minorities: A Practical Guide for Implementation* (2017). Available at www.ohchr.org/Documents/Issues/Minorities/SR/LanguageRightsLinguisticMinorities_EN.pdf.

[16] See Guidance note of the Secretary-General on racial discrimination and the protection of minorities (2013), recommendation 18.

[17] The research was conducted by the members of the Human Rights Project at the Fletcher School of Law and Diplomacy, with assistance from the team at UPR Info.

to the General Assembly[18] and were based on the statistics and database of UPR Info.[19] In the report, she noted that the recommendations made at the twenty-sixth session of the Working Group on the Universal Periodic Review had not been included in the overall electronic database. All the statistics and data gathered in the last round of research therefore reflected the outcomes of the thirteenth to twenty-fifth sessions.

53. The final report on minority issues in the second cycle of the universal periodic review will eventually be posted on the Special Rapporteur's web page. The report on the first cycle of the review is already available.[20]

VII. Language rights of linguistic minorities: a practical guide for implementation

54. In March 2017, the previous Special Rapporteur launched *Language Rights of Linguistic Minorities: A Practical Guide for Implementation*. Available in the six official languages of the United Nations, the guide is intended to serve as a practical tool to clarify the rights of linguistic minorities with regard to language use and preferences. It provides a framework for understanding and implementing a human rights approach to language in such a way that States can more effectively comply with their international obligations.

55. The Guide sets out how language rights emanate from specific human rights involving international human rights treaties and standards. Those rights are enshrined in the provisions of international human rights law, including the prohibition of discrimination, the right to freedom of expression, the right to a private life, the right to education and the right of linguistic minorities to use their own language with others in their group. Those rights have also been further developed in a variety of guiding documents and international standards, such as the Declaration on the Rights of Minorities, the United Nations Educational, Scientific and Cultural Organization (UNESCO) Three Principles on Language and Education, the recommendations of the Forum on Minority Issues on implementing the Declaration on the Rights of Minorities, the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities Thematic Commentary No. 3 on the language rights of persons belonging to national minorities under the Framework Convention, OSCE Oslo Recommendations regarding the linguistic rights of national minorities and the Hague Recommendations regarding the education rights of national minorities. Those documents describe similar basic approaches to enable State authorities to meet their human rights obligations relating to language, including the following:

(a) Respecting the integral place of language rights as human rights;

(b) Recognizing and promoting tolerance, cultural and linguistic diversity and mutual respect, understanding and cooperation among all segments of society;

(c) Putting in place legislation and policies that address linguistic rights and prescribe a clear framework for their implementation;

(d) Implementing their human rights obligations by generally following the proportionality principle in the use of or support for different languages by State authorities, and the principle of linguistic freedom for private parties;

(e) Integrating the concept of "active offer" as an integral part of public services to acknowledge a State's obligation to respect and provide for language rights, so that those using minority languages do not have to specifically request such services but can easily access them when the need arises;

(f) Putting in place effective complaint mechanisms before judicial, administrative and executive bodies to address and redress linguistic rights issues.

[18] See A/72/165, paras. 89–96.

[19] See www.upr-info.org.

[20] See www.ohchr.org/EN/Issues/Minorities/SRMinorities/Pages/UPRProcess.aspx.

56. The Guide highlights that language rights issues may arise in any activity involving State authorities and language preferences and that they are closely associated with national, collective and individual identity. Language rights can also have an impact on the participation and inclusion of minorities if they are not properly addressed in a balanced, reasonable way, which in turn can lead to sentiments of alienation or marginalization and potentially instability or conflict.

57. The Guide will enable State authorities, civil society actors and United Nations staff to better understand the key conceptual issues and fundamental principles for the promotion and protection of the language rights of minorities within a human rights framework. It also provides specific guidance in key areas such as education, political participation, employment and the media, and includes useful examples of good practices in these areas. The Guide points out that, while minority (and indigenous) women are among the most marginalized individuals in the world, research shows that they perform particularly well in a number of situations when they are taught in their own language, which increases the likelihood of them pursuing further studies or breaking out of the cycle of isolation and poverty. This was particularly notable in relation to communication by minority women with public services in vital areas, such as health care, which often improved with effective use of their own language.

58. This invaluable source material has the potential to improve the opportunities available to minorities for recognizing and strengthening efforts to protect and promote the language rights of minorities. The Special Rapporteur looks forward to it being circulated and operationalized in different regional and national contexts, and will be working closely during the mandate with other interested parties in that regard.

VIII. Update on the 2017 Forum on Minority Issues

59. The Forum on Minority Issues was established in 2007 by the Human Rights Council in resolution 6/15 and reaffirmed in 2012 by resolution 19/23. It is mandated to provide a platform for promoting dialogue and cooperation on issues pertaining to national or ethnic, religious and linguistic minorities, as well as to provide thematic contributions and expertise to the work of the Special Rapporteur on minority issues. The Special Rapporteur is tasked with guiding the work of the Forum, preparing its annual meetings and reporting to the Human Rights Council on its thematic recommendations. The Forum meets annually in Geneva for two working days allocated to thematic discussions. It brings together an average of 500 participants, including minorities, member States, United Nations mechanisms, regional intergovernmental bodies and NGOs.

60. The tenth session of the Forum was held on 30 November and 1 December 2017, with the topic "Minority youth: towards diverse and inclusive societies".

61. Tarik Kurdi, former senior UNHCR official from the Sudan, was appointed as Chair of the tenth session by the President of the Human Rights Council. Many young men and women from minority communities participated for the first time in the forum, while a number of young delegates represented their governments. A total of 12 young minority activists from different parts of the world presented the four main panel discussions on education, participation in public life, digital media, and peace and stability. The Forum was opened on Thursday 30 November 2017 by the Vice-President of the Human Rights Council, Valentin Zellweger, followed by a statement by the Special Rapporteur and remarks by the Chair. Keynote addresses were delivered by OSCE High Commissioner on National Minorities, Lamberto Zannier, and by the Special Advisor to the Secretary-General's Envoy on Youth, Saskia Schellekens. On Friday 1 December 2017, the High Commissioner for Human Rights addressed the Forum.

62. In an effort to improve dialogue among stakeholders and better focus the exchanges on the topic, the session was comprised of four panel discussions, each introduced by three young minority activists. Four moderators guided the discussions, which helped to keep floor interventions more focused on the topic at hand and to maintain a high level of engagement by participants throughout the two-day programme

63. During the first panel discussion, participants discussed and formulated recommendations with regard to access to education, accommodation of minority culture and language in education programmes and facilities, the role of informal education in increasing the awareness of youth with regard to religious, cultural and linguistic diversity. During the second panel discussion, participants raised the issue of political engagement of minority youth, discussed the importance of the representation of minority youth in public institutions and reflected on how to increase positive visibility of young minorities in society. During the panel discussion on youth and digital media, participants called for greater efforts to ensure access to digital media for all — including marginalized minority communities — shared initiatives on how to respond to hate speech and bullying on the Internet and discussed the role of minority-led media initiatives to empower young minority people and to change the mainstream narrative regarding possible bias or stereotype affecting minorities. During the last panel discussion, participants considered the role of minority youth as agents of change for peace and stability and put forward recommendations regarding the need for greater consultation and participation of minority youth in conflict prevention and peacebuilding efforts.

64. Although the Forum achieved a number of its objectives, a number of challenges remain. Among those are the need to consolidate the Forum as a space for interactive dialogue; the need to increase ownership of the Forum agenda by minorities and the need to increase the engagement of States, United Nations bodies, regional organizations and other stakeholders. From a procedural viewpoint, the large number of participants meant that some were unable to take the floor under the desired agenda item and to delve into specific thematic issues or concerns. The Special Rapporteur informed the participants that he wished to conduct a review to see how the organization of future sessions could be improved. He raised the possibility of a more regional approach in order to make this interactive dialogue more accessible to minorities in different parts of the world and more receptive to regional concerns and contexts.

65. Comments and suggestions received from participants and other stakeholders, observations by previous mandate holders, an internal analysis by the Secretariat and external studies, such as the study on global governance for minority rights, prepared jointly by the Tom Lantos Institute and the University of London School of Advanced Studies, will also help to initiate the reflection to improve the Forum.

66. The research conducted by the Tom Lantos Institute and the University of London School of Advanced Studies in particular provides useful insights and suggestions for the Special Rapporteur's review of the operations, objectives and challenges of the Forum on Minority Issues. It identified many areas for further attention, including:

(a) Forum recommendations: Suggestions for improvement include a longer lead time to comment on recommendations online; drafting of recommendations that are more closely based on Forum discussions; improved efforts to disseminate Forum recommendations;

(b) Forum themes: Suggestions put forward include a more open process, whereby participants can submit suggestions for the thematic focus and early theme selection to enable enhanced participation;

(c) Agenda structure: Changes could be considered in relation to speaking time and structure and a more open-ended agenda so that participants could speak on issues of concern in relation to protection of minority rights;

(d) Side events: They provide a more intimate space to dialogue on pressing issues, but not necessarily an opportunity to have expert input into country situations; facilitate dialogue between State representatives and civil society participants; organize special side events on key "crisis" issues where the Special Rapporteur could bring together representatives of States, NGOs and other stakeholders to host focused, round-table discussions on key areas of concern;

(e) Forum follow-up: The potential of the United Nations Network on Racial Discrimination and Protection of Minorities could be explored further to help with follow-up to Forum recommendations. Given the unique character of the Forum in the United

Nations system as a "marriage" between a special procedure and a United Nations' entity, this could be operationalized more strategically by, for instance, linking country visits to key Forum themes, or convening meetings on the implementation of relevant thematic recommendations during country missions;

(f) Documentation: A searchable database containing all Forum statements would help to consolidate all the information generated by the Forum and make it more accessible; efforts to enhance the submission of written documents needs to be considered.

67. The Special Rapporteur wishes to reiterate the crucial importance of the Forum on Minority Issues, which represents the only avenue for a number of minority rights activists to advocate for change at the international level, but also as a positive and unique platform for promoting dialogue and cooperation on issues pertaining to national or ethnic, religious and linguistic minorities. He hopes that more States will attach increased importance to this unique platform and he encourages them to demonstrate their commitment to minority rights by contributing to the funding of the Forum so as to ensure its sustainability and progress.

68. The Special Rapporteur also welcomed the participation for the first time in the Forum of members of the World Federation of the Deaf. He acknowledges the importance of recognizing that, as users of sign language and members of a linguistic minority, deaf people everywhere have human rights that would, in the future, be considered in the activities of the mandate.

IX. Conclusions

69. **Individuals belonging to linguistic, religious or ethnic minorities are among the most vulnerable and marginalized in the world. Efforts need to be intensified in order to protect minorities who are disproportionately affected by statelessness and denial of citizenship and, in some cases, victims of systematic and widespread discrimination, exclusion and targeted by ethnic cleansing or even genocide. Minority women in particular may find themselves doubly marginalized because of their gender and as members of a linguistic, religious or ethnic minority.**

70. **Mandated by the Human Rights Council to promote the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and to examine ways and means of overcoming obstacles to the full and effective realization of the rights of minorities, the Special Rapporteur will adopt a global approach to issues through constructive exchanges and collaboration with all relevant stakeholders, including States, United Nations human rights mechanisms, international and regional organizations and civil society.**

71. **The Special Rapporteur will also build on the groundbreaking work carried out by his predecessors on the importance of addressing discrimination, exclusion and other violations of human rights affecting various communities, including the Dalit and Burakumin minorities, and other particularly vulnerable minorities such as the Roma and members of deaf minorities amongst others. He will do so by extending the practice of holding consultations with members of these communities.**

72. **Substantively, the Special Rapporteur will address four thematic priorities, namely, statelessness and the denial of the rights of minorities in citizenship matters and situations of statelessness; the interrelationship between conflict, minority rights and the promotion of inclusiveness and stability, which are central to the implementation of the Declaration on the Rights of Minorities; the critical challenges of tackling hate speech, xenophobic rhetoric and incitement to hatred against minorities; and the sometimes misunderstood human rights dimensions of education and the rights of minorities, including in connection with the issue of the use of a minority language as the medium of instruction.**

73. ***Language Rights of Linguistic Minorities: A Practical Guide for Implementation*, which was launched in March 2017 in all six United Nations languages, is a potentially**

useful tool that showcases good practices in a number of States in relation to the rights of linguistic minorities on language use and preferences, especially in education.

74. **The lack of clarity or recurrent misunderstandings with regard to a number of fundamental issues surrounding the rights of minorities creates, in some cases, ambiguities and uncertainties that can impact negatively on the implementation of the Declaration on the Rights of Minorities. To more effectively implement his mandate, the Special Rapporteur will endeavour to clarify the concept of minorities using different approaches and analyses.**

75. **The Special Rapporteur will explore ways to effectively renew State commitments in the light of the twenty-fifth anniversary of the Declaration on the Rights of Minorities and improve the reach and impact of the Forum on Minorities Issues, especially as it celebrates its tenth anniversary.**

76. **The Forum on Minority Issues remains a unique United Nations platform for promoting dialogue and cooperation on issues pertaining to national or linguistic, religious and ethnic minorities and providing thematic contributions and expertise to the mandate on minority issues. The Special Rapporteur hopes that more States will attach increased importance to this unique platform. He encourages States to demonstrate their commitment to the rights of minorities by contributing to the funding of the Forum so as to ensure its sustainability and progress. The Special Rapporteur will continue to provide guidance for the work of the Forum with a view to strengthening its role and its responsiveness to current and future global issues affecting minorities.**